

**UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING  
56 Forsyth Street, N.W.  
Atlanta, Georgia 30303

David J. Smith  
Clerk of Court

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May 14, 2019

Clerk - Southern District of Georgia  
U.S. District Court  
125 BULL ST  
PO BOX 8286  
SAVANNAH, GA 31402

Appeal Number: 18-15135-B  
Case Style: Elijah Sampson v. USA  
District Court Docket No: 4:16-cv-00016-WTM-BKE  
Secondary Case Number: 4:12-cr-00018-WTM-BKE-1

The enclosed copy of this Court's Order of Dismissal is issued as the mandate of this court. See 11th Cir. R. 41-4. Counsel and pro se parties are advised that pursuant to 11th Cir. R. 27-2, "a motion to reconsider, vacate, or modify an order must be filed within 21 days of the entry of such order. No additional time shall be allowed for mailing."

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Craig Stephen Gantt, B  
Phone #: 404-335-6135

Enclosure(s)

DIS-4 Multi-purpose dismissal letter

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 18-15135-B

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ELIJAH AKEEN SAMPSON,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

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Appeal from the United States District Court  
for the Southern District of Georgia

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Before: WILSON, ROSENBAUM and JILL PRYOR, Circuit Judges.

BY THE COURT:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. We remanded this action to the district court for a factual determination of whether Elijah Sampson's notice of appeal was timely filed. *See Sanders v. United States*, 113 F.3d 184, 186 n.2 (11th Cir. 1997) (stating that the determination of the date that a *pro se* prisoner delivered his notice of appeal to prison authorities for mailing is a factual question for the district court to resolve on remand).

The district court concluded that Sampson effectively filed the notice of appeal on December 4, 2018. Because the time to file an appeal from the district court's December 29, 2017, judgment elapsed on February 27, 2018, the notice of appeal is untimely. *See* 28 U.S.C. § 2107(b); Fed. R. App. P. 4(a)(1)(B). Therefore, we lack jurisdiction over this appeal. *See*

*Green v. DEA*, 606 F.3d 1296, 1300 (11th Cir. 2010); *see also Hamer v. Neighborhood Hous. Servs. of Chicago*, 138 S. Ct. 13, 20 (2017).

All pending motions are DENIED as moot. No motion for reconsideration may be filed unless it complies with the timing and other requirements of 11th Cir. R. 27-2 and all other applicable rules.